

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

ANTHONY PORTER, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
                        )  
CAPE GIRARDEAU COUNTY SHERIFF'S )  
OFFICE, et al.,       )  
                        )  
Defendants.          )

**MEMORANDUM AND ORDER**

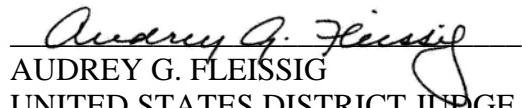
This matter is before the Court upon review of the file. The Case Management Order (“CMO”) (ECF No. 21) currently in effect was issued on October 24, 2018, before the Court appointed counsel for the pro se Plaintiff. The CMO provides that all discovery should have been completed by May 15, 2019, that dispositive motions should have been filed by June 14, 2019, and that the failure to timely file a motion for summary judgment would waive a party’s right to do so before trial. ECF No. 21.

The Court appointed counsel for the Plaintiff on May 29, 2019, and thereafter on at least three occasions directed the parties to meet and confer and file any appropriate motion to amend the CMO. *See* ECF Nos. 53, 56 & 59. The Court’s most recent Order to that effect required the parties to file any appropriate motion to amend the CMO no later than November 6, 2019, and to address in such motion the parties’ positions concerning the referral of this action to mediation and when such a referral would be most productive. Notwithstanding the Court’s Orders, and the expiration of the discovery and dispositive motion deadlines under the current CMO, the parties have not filed any motion to amend the CMO.

Accordingly,

**IT IS HEREBY ORDERED** that, no later than **November 26, 2019**, the parties shall file a joint notice advising the Court of their positions as to when a referral to mediation in this case would be most productive. Failure to comply with this Order will result in a referral of this case to mediation at a date the Court deems appropriate.

**IT IS FURTHER ORDERED** that any motion to amend the Case Management Order shall be due no later than **December 3, 2019**. Failure to comply with this Order may result in the waiver of any party's right to file a motion for summary judgment, as set forth in the current Case Management Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of November, 2019.